

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

MARILYN MOORE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO.: 3:18-cv-00410
)	
WESTGATE RESORTS, LTD., et al.)	
)	
Defendants.)	
_____)	

JOINT MOTION TO STAY DEADLINES AND CONTINUE TRIAL

Plaintiffs and Defendants¹ file this Joint Motion to Stay Deadlines and Continue Trial pending a decision on class certification, and respectfully show as follows:

**I.
INTRODUCTION**

The current scheduling order leads to a February 8, 2021 trial setting, DE71, and the current deadline for dispositive motions is October 2, 2020, DE170. Several motions, including Plaintiffs' Motion for Class Certification, DE124,² remain pending. The parties respectfully request that the Court stay all remaining scheduling order deadlines and continue trial, pending a decision on class certification. And, to avoid delay, the parties propose to submit a proposed scheduling order for the remainder of the case within 7 business days of the decision on class certification.

¹ Westgate Resorts, Inc. and Central Florida Investments, Inc. file this motion subject to their Motion to Dismiss for Lack of personal jurisdiction. DE101 and DE102. Plaintiffs dispute this contention.

² Defendants filed their Opposition on June 5, 2020. DE146. Plaintiffs filed their Reply on June 25, 2020. DE157. Defendants filed their Motion for Leave to File Sur-Reply on July 1, 2020. DE162.

II.
ARGUMENTS & AUTHORITIES

Rule 6(b) provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time...with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]” FED. R. CIV. P. 6(b)(1)(A). Rule 16(b)(4) provides that a scheduling order “may be modified only for good cause and with the judge’s consent.” FED. R. CIV. P. 16(b)(4).

Here, good cause exists to stay deadlines, including the dispositive motion deadline, and to continue trial. More specifically, resolution of pending motions will refine and/or narrow the claims or issues remaining for trial. Reducing the burden and expense on the Court and the litigants by deferring the remainder of the scheduling order and permitting the parties to submit a more efficient scheduling plan following a ruling by the Court on class certification is good cause to extend the deadlines and continue trial.

III.
CONCLUSION

For the foregoing reasons, the Parties respectfully request that the remaining deadlines be stayed, and that the February 8, 2021 trial setting be continued, pending resolution of Plaintiffs’ class certification motion, and that the parties be given 7 business days after resolution of Plaintiffs’ class certification motion to submit a proposed scheduling order for the remainder of the case.

Respectfully submitted this 29th day of September, 2020.

GREENSPOON MARDER, LLP

By: /s/ B. Eliot New

Richard W. Epstein (FL Bar #229091)

Jeffrey A. Backman FL Bar #662501)

B. Eliot New (FL Bar #1008211)

200 East Broward Blvd., Ste. 1800

Ft. Lauderdale, FL 33301

(954) 491-1120

Richard.Epstein@gmlaw.com

Jeffrey.Backman@gmlaw.com

Eliot.New@gmlaw.com

**WOOLF, MCCLANE, BRIGHT, ALLEN
& CARPENTER, PLLC**

Gregory C. Logue (BPR #012157)

Robert L. Vance (BPR #021733)

900 Riverview Tower, 900 S. Gay Street

Knoxville, TN 37902-1810

Telephone: (865) 215-1000

Facsimile: (865) 215-1001

glogue@wmbac.com

bvance@wmbac.com

Counsel for Defendants

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

By: s/Kenneth S. Byrd

Mark P. Chalos (BPR #19328)

Kenneth S. Byrd (BPR #023541)

Christopher E. Coleman (BPR #024950)

222 2nd Avenue South, Ste. 1640

Nashville, TN 37201

(615) 313-9000

mchalos@lchb.com

kbyrd@lchb.com

ccoleman@lchb.com

**RITCHIE, DILLARD, DAVIES & JOHNSON,
P.C.**

Wayne A. Ritchie, II, Esq. (BPR #013936)
606 W. Main Street, Ste. 300
P. O. Box 1126
Knoxville, TN 37901-1126
(865) 524-8444
war@rddjlaw.com

**FARMER PURCELL WHITE & LASSITER,
PLLC**

John O. Belcher, Esq. (BPR #018335)
150 Fourth Avenue North, Ste. 1820
Nashville, TN 37219
(615) 810-8777
jbelcher@fpwlegal.com

WALLACE & ASSOCIATES

Richard T. Wallace, Esq. (BPR #010151)
Parkway Professional Plaza
109 Parkway – Suite 2
Sevierville, TN 37862
(865) 453-1143
wallace@rwallacelaw.net

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

By: s/B. Eliot New
B. Eliot New